

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

GLADYS YOLTON, WILBUR MONTGOMERY,
ELSIE TEAS, ROBERT BETKER, EDWARD
MAYNARD, and GARY HALSTED, on
behalf of themselves and a class of persons
similarly situated,

Hon. Patrick J. Duggan
Case No. 02-CV-75164

Plaintiffs,
v.

CLASS ACTION

EL PASO TENNESSEE PIPELINE CO., and
CNH AMERICA, LLC,

Defendants.

KLIMIST, McKNIGHT, SALE,
McCLOW & CANZANO, P.C.
By: Roger J. McClow (P27170)
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STIPULATION FOR ENTRY OF SUPPLEMENTAL EARLY CLAIMS ORDER

Plaintiffs and El Paso Tennessee Pipeline Co. (“El Paso Tennessee”), by their undersigned counsel, hereby stipulate and agree that the attached Supplemental Early Claims Order may be entered by the Court. In support, Plaintiffs and El Paso Tennessee state:

1. On November 17, 2011, this Court entered a Final Judgment pursuant to an August 17, 2011 Settlement Agreement between Plaintiffs and El Paso Tennessee. The Settlement Agreement provided that El Paso Tennessee would pay to Class Members an Authorized Claim Amount as determined pursuant to the Authorized Claims Procedure, which was attached to the Settlement Agreement as Exhibit A.

2. Under Paragraph 4.c of the Authorized Claim Procedure, El Paso Tennessee agreed to make an Early Claim Payment to any Class Member who accepted the amount set forth in the Damage Claim Form; who did not seek additional damages; and who signed a Release in the form of Exhibit 13 to the Authorized Claim Procedure.

3. On July 9, 2012, the Court entered a Claims Order approving the payments of 2089 Claims set forth in the attached Payee Report and providing that Plaintiffs would have thirty (30) days from the date of the Order to identify additional Class Members who were entitled to an early payment of the Authorized Claim Amount.

4. Plaintiffs and El Paso Tennessee have now agreed to the early payment of the Authorized Claim Amounts of an additional 245 Class Members whose names, and the names of the Payees and the amounts of the Authorized Claim Amount for each Payee, are set forth in the Payee Report attached as Exhibit A to the proposed Supplemental Early Claims Order submitted with this Stipulation.

5. Plaintiffs and El Paso Tennessee have also agreed to a List of 9 Claims that El Paso Tennessee will pay upon the submission of (1) appropriate documentation to support the Claim; and (2) both a Release and Social Security Number.

6. Plaintiffs and El Paso Tennessee have agreed that El Paso Tennessee will make these early payments of the Authorized Claim Amount as described in the proposed Supplemental Early Claims Order.

WHEREFORE, Plaintiffs and El Paso Tennessee Pipeline Co. respectfully request that this Honorable Court enter the attached Claims Order.

KLIMIST, McKNIGHT, SALE,
McCLOW & CANZANO, P.C.

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Dated: September 10, 2012

UNITED STATES DISTRICT COURT
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GLADYS YOLTON, WILBUR MONTGOMERY,
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MAYNARD, and GARY HALSTED, on
behalf of themselves and a class of persons
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v.

CLASS ACTION

EL PASO TENNESSEE PIPELINE CO., and
CNH AMERICA, LLC,

Defendants.

SUPPLEMENTAL EARLY CLAIMS ORDER

On November 17, 2011, the Court entered a Judgment approving the Settlement Agreement between Plaintiffs, on behalf of the certified class in this case, and Defendant El Paso Tennessee Pipeline Co. (“El Paso Tennessee”). As part of the Settlement Agreement, the Court approved an Authorized Claim Procedure under which the Authorized Claim Amount payable to each Class Member under the Settlement Agreement was determined.

Under the Authorized Claim Procedure, certain Class Members could elect to receive payment of their Authorized Claim Amount prior to entry of the Final Claims Order in exchange for signing and returning an individual Release of Claims.

On July 9, 2012, this Court entered a Claims Order approving the early payment of 2089 Authorized Claim Amounts. In that Order, this Court also provided that Plaintiffs had 30 days to submit additional claims to El Paso Tennessee to be included in a Supplemental Early Claims Order.

Plaintiffs and El Paso Tennessee have now agreed on the Authorized Claim Amounts to be paid under the Supplemental Early Claims Order. A list of those Class Members who elected to receive early payment of the Authorized Claim Amount by signing and returning a Release of Claims, and for whom El Paso Tennessee has a Social Security Number, is Docket Entry #457-Exhibit A.

A list of those Class Members who elected to receive early payment of the Authorized Claim Amount, but for whom El Paso Tennessee does not have either a Social Security Number and/or a signed Release of Claims on behalf of all payees of the Authorized Claim Amount is Docket Entry #458- Exhibit B.

IT IS ORDERED that the payments identified in Exhibit A and Exhibit B are hereby approved by the Court.

IT IS FURTHER ORDERED that within 60 days of entry of this Order, El Paso Tennessee shall deliver checks to Class Counsel made payable to the Class Members identified in Exhibit A in the amounts set forth in Exhibit A.

IT IS FURTHER ORDERED that within 21 days of receipt of the checks, Class Counsel shall distribute the checks to the Class Members identified in Exhibit A at their last known address by First Class Mail.

IT IS FURTHER ORDERED that El Paso Tennessee shall release to Class Counsel the checks made payable to the Class Members identified in Exhibit B in the amounts set forth in Exhibit B after El Paso Tennessee is satisfied that it has both: (1) a Social Security Number; and (2) a signed Release of Claims on behalf of all payees of the Authorized Claim Amount in Exhibit B.

IT IS FURTHER ORDERED that within 21 days of receipt of the checks, Class Counsel shall distribute the checks to the Class Members identified in Exhibit B at their last known address by First Class Mail.

IT IS SO ORDERED.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: September 11, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on Tuesday, September 11, 2012, by electronic and or ordinary mail.

s/Marilyn Orem
Case Manager